



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Vale District Office
100 Oregon Street
Vale, Oregon 97918

IN REPLY REFER TO:

4190 (ORV000)

DEC 07 2012

NOTICE OF FIELD MANAGER'S FINAL DECISION BONITA COMPLEX FIRE (G1K4)

Dear Interested Public:

BACKGROUND

The Iron (G1MR) and Bonita Fires (G1K4) were started by lightning on July 9, 2012. The fires grew rapidly due to erratic winds and abnormally high temperatures. After the first burning period, it was apparent that the fire could not be managed by local resources and a type II team took over the management of the fire. The high daytime temperatures, lack of evening recovery and a continued low pressure system allowed the fires to grow through a few more burning periods. They were contained on July 16, 2012 after burning a total of 18,171 acres. Of the 18,171 acres burned, 11,919 acres were BLM, 6,138 acres were private and 114 acres were state.

The burned area was comprised mainly of Wyoming big sage brush (ATRTW) and basin big sage brush (ARTRT) with understories of both deep rooted perennial grasses (Bluebunch Wheatgrass/Idaho Fescue) and non-native annual grasses (Cheatgrass). To a lesser extent within the burn area were pockets of scrubland sagebrush (ARRI) which held very little herbaceous understory. Generally speaking, the islands of unburned vegetation were the islands of scrubland sagebrush which grow in low density and lack the fine fuels necessary to carry a fire.

All of the BLM land included in the burn area is classified as either Preliminary Priority Habitat (PPH) or Preliminary General Habitat (PGH) for greater sage-grouse. There are 6 known leks within the area burned by the Bonita and Iron Fires. There are 1,542 acres of the 1,596 acre North Ridge Bully Creek Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA) and 360 acres of the 620 acre South Ridge Bully Creek ACEC/RNA included within the burned area. Both of these ACEC/RNAs contain big sagebrush/Thurber needlegrass communities, big sagebrush-squaw apple/Idaho fescue communities. The North Ridge Bully Creek ACEC/RNA contains big sagebrush/threetip sagebrush/Idaho fescue community vegetation cells identified by the Oregon Natural Heritage Program. Sage-grouse, loggerhead shrikes, and their associated habitat have also been identified as relevant and important values for the ACEC/RNAs.

Within a week of the containment date of the fire, the Vale District assembled an interdisciplinary (ID) team made up of specialists from botany, range, wildlife, soil and fire. Within 21 days of containment, this ID team developed an Emergency Stabilization and Rehabilitation Plan for the treatment of the burned area. The plan was consistent with the H-1742-1- Burned Area Emergency

Stabilization and Rehabilitation Handbook and the Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005. The plan was submitted for funding from the Washington Office (WO) through the Emergency Stabilization and Rehabilitation System (ESRS). Upon review by the WO, the district received several comments regarding the following; the location of the seeding treatment in the plan and a request for additional verbiage outlining why completing the treatment to avoid the establishment of invasive and noxious weeds was considered an emergency action. The plan was approved by the Washington office on August 27, 2012. Once the plan was approved, the BLM began the field layout of treatments and further refinement of the plan based on field observation, consultation with livestock permittees, further conversations with ID team members and funding limitations.

The temporary protective fence request in the original plan included 27 miles of three-strand, barbed wire fence and the final plan includes 15 miles of temporary fence. The decrease between the original plan and the final plan occurred for several reasons. The first reason is that a portion of the temporary fence proposal is within close proximity to active sage grouse leks so the choice was made to close the pasture and remove that segment of fence from the plan. The second reason is that field observation revealed that portions of the fence were either redundant or unnecessary because of sufficient remnant plant material and steep terrain. Lastly, the amount of temporary protective fence decreased as a result of closing additional pastures after further analyses revealed a high ratio of burned to unburned ground within the pasture. The temporary fence will be located in a portion of the South Ridge Bully Creek ACEC/RNA. After consultation with the district botanist, the decision was made that due to the temporary nature of the fence and the post-fire rest, it will afford recovery in the areas burned in the fire. The temporary fence is not considered a threat to the relevant and important values of the ACEC.

Planned actions include: construction of fifteen (15) miles of temporary-protective fence, repair of twenty-four (24) miles of permanent fence, closure of approximately 14,250 acres of the burned area to livestock grazing and control of noxious weeds. A separate grazing decision will be issued to address the exclusion of livestock as a result of the Bonita and Iron Fires, if needed.

FINAL DECISION

I have found this area to be at immediate risk for resource damage and encroachment by invasive weeds due as a result of the Bonita and Iron Fires. In order to immediately stabilize the area I have decided to: construct fifteen (15) miles of temporary-protective fence, repair twenty-four (24) miles of permanent fence, close approximately 14,250 acres to livestock grazing and conduct noxious weed treatments on approximately fifty acres.

This decision is effective immediately due to the immediate risk of resource damage due to wildfire, and is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states:

Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

RATIONALE

This situation requires immediate action to avoid resource damage and the encroachment of noxious weeds. The actions outlined for stabilization are in accordance with 43 CFR 4.21 (a)(1) due to their emergency nature as a result of damage caused by wildfire. If no action is taken, the area is at high risk of resource damage caused by inadequate post-fire rest from grazing and encroachment of noxious weeds.

There are not any seeding treatments proposed for the post-fire rehabilitation efforts on the areas burned in the Bonita and Iron fires. The ID team considered the pre-burn condition of the site, fire behavior and the amount and condition of remnant plant matter while weighing these variables against the risks of seeding. After discussion and evaluation it was determined that the burned area showed higher potential for successful rehabilitation with natural regrowth than with seeding. The reasoning behind this determination was due to several factors: 1) the nature of the fast moving fire burned the above ground plant tissue but left a substantial portion of the below ground root mass undamaged, 2) the risk of damaging the remnant native perennial vegetation during seeding, and 3) the potential of creating microsites where noxious weeds and invasive annual grasses could potentially become established as a result of breaking the biotic soil crusts. In addition to the consideration of the risks and benefits, a portion of the area burned in the Iron fire is a Research Natural Area (RNA). In accordance with the Southeastern Oregon RMP, ACEC/RNA's will be allowed to re-vegetate naturally after a wildfire.

Construction of fifteen miles of three-strand temporary protective fence around the perimeter of the burned area will allow for continued grazing use by the grazing permit holders on approximately 4,700 unburned acres of BLM land in the Lava Ridge, Rail Canyon and Richie Flat allotments. In addition to the temporary protective fence, there will also be 25 miles of permanent fence repair. By not building the temporary protective fence it would have been necessary to close the entire East Chastain, West Lava Seeding and South Ridge pastures which would have denied the grazing permit holders access to approximately 619 AUMs of permitted grazing use.

The location of the temporary fence is ideal in that it is as short as possible and therefore the least costly and it will provide the necessary post-fire rest and protection for remnant perennial vegetation to become re-established. Portions of the original temporary protective fence layout were removed from the plan due to close proximity to known active sage grouse leks.

There is a portion of temporary protective fence in the South Ridge pasture of the Richie Flat allotment that lies within 1.25 miles of a known sage grouse lek. An analysis was run with the Sage Grouse Institute sponsored Fence Collision Risk Model (FCRM) to determine the risk of sage grouse fence strikes. The FCRM takes terrain and distance from the known lek into account and illustrates the areas of high, moderate and low risk of sage grouse fence strikes. The temporary protective fence of concern is located in areas rated as low to moderate risk. Based on consultation with BLM wildlife staff and Oregon Department of Fish and Wildlife (ODFW) regarding risks of sage grouse mortalities in relation to distance, terrain and the results of the FCRM analysis, the conclusion was made that with proper mitigation measures, the plan to build the temporary fence should be implemented. The temporary fence will be marked with fence markers to decrease the risk of in-flight collisions and will be removed after two growing seasons or when BLM assessment reveals that resource objectives have been met or have reached a satisfactory level.

There is a portion of temporary protective fence within the Clover Creek Individual Allotment that lies within 1.25 miles of a known lek. After consultation with BLM wildlife personnel and ODFW, the decision to keep this portion of temporary fence in the plan was made based on a couple of factors. The BLM land is located in an individual allotment that is comprised primarily of unfenced private property. Without the construction of the temporary protective fence, there is no way to close the BLM land from livestock grazing. The benefits outweigh the risks in this case due to the threat of resource damage to the lek area as a result of inadequate post-fire rest from livestock grazing. The temporary protective fence will be marked with fence markers to decrease the likelihood of sage grouse mortalities caused by fence collisions.

The decision to fence within 1.25 miles of a known lek is permissible per the Greater Sage Grouse Interim Management Policy (IM 2012-043). As stated in IM 2012-043: “*Consider deferring fence construction unless the objective is to benefit Greater Sage-Grouse habitat, improve land health, promote successful reclamation, protect human health and safety, or provide resource protection*”. Almost all of the listed objectives are considerations for building the two stretches of temporary protective fence in question. The construction of temporary protective fence and repair of the permanent fence is consistent with Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005, Instruction Memorandum 2012-043, Instruction Memorandum 2012-044 and the ESR handbook 1742-1.

There will be approximately fifty acres of herbicide treatments for noxious weeds within the perimeter of the Bonita and Iron fires. There are scattered populations of noxious weeds in the burn area and general vicinity of the fire. Diffuse knapweed (*Centaurea diffusa*), Russian knapweed (*Acroptilon repens*) and Scotch thistle (*Onopordum acanthium*) have been documented within the burn area primarily within the Clover Creek drainage. Whitetop (*Lepidium* spp) has been identified near the perimeter of the burn, along roadsides in the area. Invasive plant and noxious weed seed sources exist on public and private land adjacent to the burn area. Chemical treatments and inventory will be conducted in years 2012, 2013 and 2014. If the identified weeds are not treated they are expected to increase as a result of damage to the existing perennial native vegetation during the fire. The encroachment of noxious weeds will result in resource damage to the native perennial native rangeland that is both PPH and PGH for Greater sage grouse in the area. Noxious weed treatments are consistent with the guidelines set forth in the ESR handbook 1742-1, Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005 and BLM Manuals 9011, H-9011-1 and 9015.

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon 97918 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error. A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. A notice of appeal must be on paper.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal.

A petition for stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

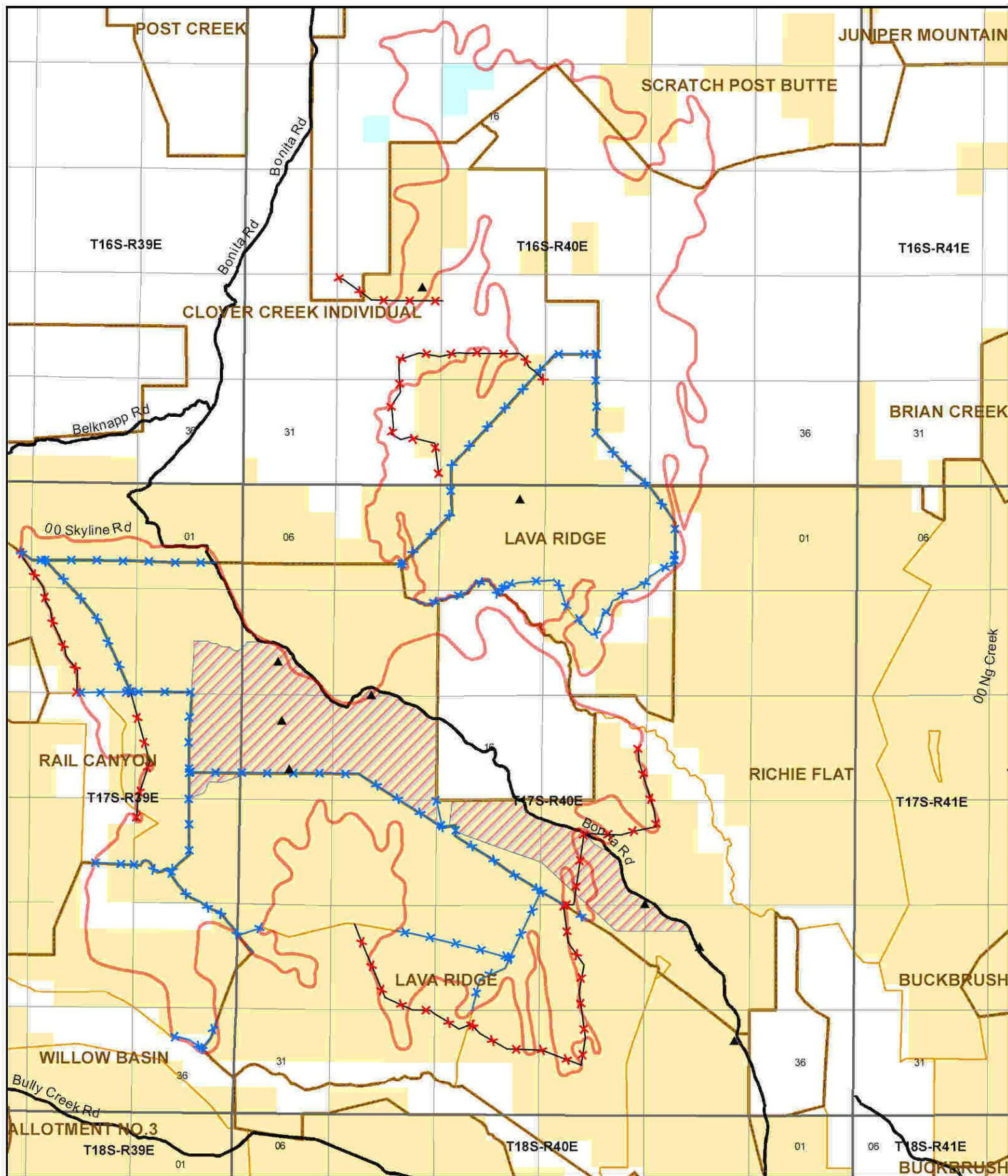
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

Finally, copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Ryan', with a horizontal line underneath.

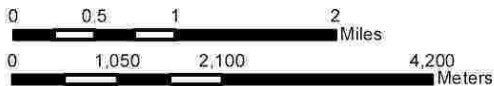
Pat Ryan
Field Manager
Jordan/Malheur Resource Areas



Legend

- x Temporary Fence
- x Allotment Fence Repair
- ▲ Sage Grouse Leaks
- Areas of Critical Environmental Concern
- Fire Perimeter

- Bureau of Land Management
- Private
- State Lands
- County route



U.S. Department of Interior
Bureau of Land Management
 
Vale District
November 21, 2012

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data or information or any other data. Original data were compiled from various sources. The information may not meet traditional map accuracy standards. This product was developed through digital means and may be updated without notification.

Bonita & Iron Fire - Emergency Stabilization and Rehabilitation Protective Temporary Fences/Related Facilities Repair